

REMARKS

Applicant again thanks the Examiner for indicating that claims 24-42 and 47-59 contain allowable subject matter, but respectfully requests reconsideration of the present application in view of the reasons that follow.

In the outstanding Office Action of September 3, 2008, claims 43-46 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent Publication Number 2001/0032254 (Hawkins) in view of U.S. Patent Number 5,870,770 (Wolfe). Applicant traverses the rejection for the reasons set forth below.

First, it appears that the rejection set forth in the outstanding Office Action is a repeat of the previously issued Office Action of January 23, 2008 to which Applicant responded with the Amendment and Reply of May 23, 2008.¹

If the Examiner's intent was to re-assert the above rejections in light of Applicant's arguments presented in the May 23, 2008, Applicant respectfully submits that the outstanding Office Action is improper for failing to properly answer/rebut the substance of those arguments as the rejection merely repeats the rejection of January 23, 2008 verbatim.

If the outstanding Office Action was issued in error/due to some confusion, Applicant respectfully requests that the Examiner consider the arguments below which incorporate herein by reference in their entirety, the arguments presented in Applicant's Amendment and Reply of May 23, 2008.

In particular, Applicant submits that various embodiments disclosed in the present application provide for facilitating web browsing through the usage of a terminal while a terminal is not connected to a network. This is possible due to the information from the already downloaded content being made available. The content is fetched from the server in the initial request along with the linked content, simultaneously. Specifically, the embodiments recited within, e.g., independent claim 43, disclose "a ...processor...operable

¹ Page 2 of the outstanding Office Action indicates that it is in response to Applicant's communication filed 11/26/07 and that Applicant's arguments with respect to claims 43-46 are moot in view of the new grounds of rejection. This mirrors page 2 of the January 23, 2008 Office Action, to which Applicant responded with the Amendment and Reply of May 23, 2008.

to generate and make a request and to retrieve first content from the server simultaneously with further content linked to the first content.” (emphasis added).

The Examiner has correctly recognized that Hawkins fails to teach or suggest the above-mentioned limitation. However, the Examiner asserted that Wolfe cures this deficiency. Applicant respectfully disagrees with the Examiner’s position. In particular, Applicant submits that Wolfe does not teach or suggest retrieving first content from a server simultaneously with further content linked to the first content. Additionally, Applicant submits that a person of ordinary skill would not be motivated to combine the teachings of Hawkins and Wolfe, and even if Hawkins and Wolfe were combined, the resulting system/method would be inoperable.

Column 3, lines 45-66 of Wolfe (which the Examiner relied upon to support his position) indicates the following:

(a) retrieving a first document over a network; (b) displaying the first document in a document display window on a display screen, wherein...; (c) simultaneously displaying in a second window on the display screen representation of a plurality of related documents that are relevant to the subject matter of the first document that is displayed in the document display window, wherein...; (d) retrieving a second document over the network; (e) displaying the second document in the document display window by replacing the first document in the document display window with the second document, wherein....

Contrary to the Examiner’s assertion, Wolfe does not disclose a processor (or browser) operable to retrieve a first content simultaneously with further content which is linked to the first content. Wolfe clearly provides that the first and second documents are not retrieved simultaneously, but rather separately. To wit, Wolfe explicitly recites a first process (a) where a first document is retrieved before another process (d) where a second document is retrieved.

Moreover, independent claim 43 of the present application requires the simultaneous “retrieval” of a first document and further content linked to that first content, not simultaneously “displaying” the first and further content. That is, the Examiner at page 3 of

the outstanding Office Action asserted that Wolfe teaches “displaying the first document and second document simultaneously...”

Applicant further submits that regardless of the above distinction between retrieval and display, Wolfe fails to teach or suggest any type of simultaneous operations/actions. That is and as quoted above, Wolfe merely teaches that the second document “replaces” the first document in a display window. Wolfe does not ever teach or contemplate a simultaneous display. Therefore, Wolfe cannot cure any of the deficiencies of Hawkins.

Further still and even if *arguendo*, Wolfe could be argued to teach simultaneous retrieval/display of first and second documents, it would not have been obvious to modify Hawkins, nor would the resulting combination be operable for the foreseeable reason that the display is too small. (See, e.g., Figure 3 of Hawkins). Therefore, a person of ordinary skill in the art would not consider combining the teachings of Hawkins and Wolfe to arrive at the claimed limitations recited in independent claim 43 of the present application.

Because none of the references cited by the Examiner, either separately or in combination with each other, teach all of the required limitations recited in independent claim 43 of the present application, Applicant submits that independent claim 43 is patentable over this prior art. Furthermore, because dependent claims 44-46 of the present application are each directly or indirectly dependent upon independent claim 43, Applicant submits that each of these claims are allowable for at least the same reasons as discussed above. Applicant further submits that dependent claim 60, depends from independent claim 24, which has been indicated by the Examiner to be allowable, and thus dependent claim 60 is allowable over this prior art for at least the same reasons as those presented with respect to independent claim 24.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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